

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW,	:	Master File No.:
STATE LAW and INSURANCE	:	08 Civ. 11117 (TPG)
LITIGATION	:	
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This Document Relates To:	:	
State Law Actions, 08 Civ. 11183 (TPG)	:	ECF CASES
Securities Actions, 08 Civ. 11212 (TPG)	:	Electronically Filed
Insurance Actions, 09 Civ. 557 (TPG)	:	
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**PLAINTIFFS' JOINDER IN REPLY MEMORANDUM OF THE TREMONT  
DEFENDANTS ON REMAND FROM THE SECOND CIRCUIT**

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Positive Corp., and for the benefit of Nominal  
Defendants, and Daniel Jackson and Laborers Local  
Pension Plan 17

Plaintiffs in the Securities Subclass and the State Law Subclass (“Plaintiffs”) hereby join in and incorporate by reference “Tremont’s<sup>1</sup> Reply Memorandum of Law on Remand From the Second Circuit” dated December 3, 2013 (the “Tremont Reply Memorandum” Dkt. 900), submitted pursuant to this Court’s Order dated October 29, 2013 (Dkt. 875).

In the interest of judicial economy, Plaintiffs hereby adopt and incorporate the arguments set forth in the Tremont Reply Memorandum.

For the reasons set forth in the Tremont Reply Memorandum and in Tremont’s Memorandum of Law on Remand From the Second Circuit (“Tremont’s Opening Brief” Dkt. 889), the potential \$80,000 claim by Objectors<sup>2</sup> arising out of a related bankruptcy action is *not* barred by the release contained in this Court’s judgment approving the settlement in this action.

Plaintiffs respectfully request that the Court enter the stipulation and proposed order submitted in connection with Tremont’s Opening Brief.

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<sup>1</sup> The “Tremont” Defendants-Appellees are Tremont Partners, Inc., Tremont Group Holdings, Inc., Tremont (Bermuda) Limited, Tremont Capital Management, Inc., Rye Investment Management, Robert I. Schulman, Rupert A. Allan, Harry Hodges, James Mitchell, Lynn O. Keeshan, Patrick Kelly, Stephen Thomas Clayton, Stuart Pologe, Cynthia J. Nicoll and Darren Johnston.

<sup>2</sup> Capitalized terms not defined herein shall have the same meanings as ascribed to them in Tremont’s Opening Brief.

Dated: New York, New York  
December 3, 2013

Respectfully submitted,

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